



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Virmla Band  
Serial No. : 10/021,368  
Filed : December 12, 2001  
Title : NES-1 POLYPEPTIDES, DNA, AND RELATED MOLECULES AND METHODS

Art Unit : 1652  
Examiner : Nashat T. Nashed

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

*For  
purposes  
only*

AMENDMENT IN REPLY TO ACTION OF DECEMBER 19, 2003

Please amend the above-identified application as follows:

## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit JUNE 21, 2004

Signature Rose Lynn Scarfo

Typed or Printed Name of Person Signing Certificate  
ROSELYNN SCARFO

FEE VALUE ACCOUNTABILITY	
DEPOSIT ACCOUNT NO.	
06/1050	
FEE CODE	VALUE FURNISHED
2202	36.00

The Examiner further states that the phrase "NES1 protein ... or activity" renders the claims indefinite, and that the "specification does not define NES1 protein activity and one of ordinary skill in the art would not [know] what it is" (Office action at page 6).

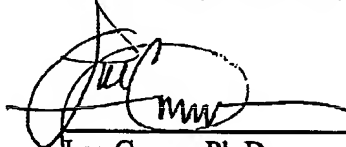
Applicant has removed the term "or activity" from the claims. Accordingly, this ground for rejection should also be withdrawn.

CONCLUDING REMARKS

Enclosed is a check for \$475 in payment of the Petition for Extension of Time fee.  
Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: June 21, 2004

  
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